

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of ALICIA GARCIA, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD THOMAS,

Respondent-Appellant,

and

PETER LIEGA and DENNIS HOWARD,

Respondents.

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UNPUBLISHED

March 31, 2000

No. 218956

Shiawassee Circuit Court

Family Division

LC No. 98-000281-NA

Before: Wilder, P.J., and Sawyer and Markey, JJ.

PER CURIAM.

Respondent-appellant Richard Thomas (hereinafter “respondent”) appeals as of right from a family court order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii) and (g); MSA 27.3178(598.19b)(3)(a)(ii) and (g).<sup>1</sup> We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

In arguing that the facts do not warrant termination of his parental rights, respondent’s failure to address the applicability of §§ 19b(3)(a)(ii) and (g), which served as the basis for the trial court’s decision, precludes appellate relief. *Roberts & Son Contracting, Inc v North Oakland Development Corp*, 163 Mich App 109, 113; 413 NW2d 744 (1987); see *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998). Nevertheless, having considered respondent’s arguments in light of the applicable standards for terminating parental rights at an initial dispositional hearing, we are not persuaded that the family court clearly erred in finding that at least one statutory ground for termination,

specifically § 19b(3)(a)(ii), was established by clear and convincing evidence. MCR 5.974(D) and (I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). See also *In re Sours Minors*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). Further, respondent failed to show that termination of his parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the trial court did not err in terminating respondent's parental rights to the minor child.

In addition, respondent's constitutional arguments are not properly before us because they are inadequately briefed. A party may not leave it to this Court to discover and rationalize the basis for a claim. *Goolsby v Detroit*, 419 Mich 651, 655 n 1; 358 NW2d 856 (1984). In any event, we find that no due process violation occurred. *In re Brock*, 442 Mich 101, 111; 499 NW2d 752 (1993); see also *In re Kirkwood*, 187 Mich App 542, 546; 468 NW2d 280 (1991); *In re Slis*, 144 Mich App 678, 683; 375 NW2d 788 (1985).

Next, we reject respondent's claim that the trial court improperly authorized the amended petition requesting termination, contrary to court rules and statute. Respondent's reliance on MCR 5.974(F) is misplaced because his parental rights were terminated at the initial dispositional hearing. Further, respondent has not shown that either MCR 2.118 or 2.119 are applicable, see MCR 5.901, but even if they were, reversal would not be warranted because respondent has not demonstrated prejudice. *In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993), see also MCR 5.902(A) and MCR 2.613. On the contrary, the trial court cured any prejudice when it allowed respondent to present proofs relative to the statutory grounds for termination at the dispositional hearing. Moreover, amendment may be made at any time as the ends of justice require. MCL 712A.11(6); MSA 27.3178(598.11)(6); *In re Slis*, *supra* at 684.

Respondent's final claim, that MCR 5.920 and MCR 5.921(B)(3) were violated, is not properly before us because it was not presented to the trial court. In any event, respondent has not shown plain error affecting his substantial rights. *People v Carines*, 460 Mich 750, 774; 597 NW2d 130 (1999). Nor are we persuaded that respondent has established a basis for reversal under the notice provision in MCL 712A.19b(2)(g); MSA 27.3178(598.19b)(2)(g). Even if fourteen-days notice should have been provided, as previously noted, the trial court cured any prejudice when it afforded respondent an opportunity to present proofs at the dispositional hearing. *In re Jackson*, *supra* at 28-29.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ David H. Sawyer  
/s/ Jane E. Markey

<sup>1</sup> Although respondent filed an acknowledgment of paternity, which was signed only by respondent, before his parental rights were terminated, we express no opinion on whether it was sufficient to establish that he was a legally recognized father. See MCR 5.903(A)(4); *In re Gillespie*, 197 Mich App 440, 444-445; 496 NW2d 309 (1992).